



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,319	09/29/2000	Ernie F. Brickell	10559-329001/P9832	1992
20985	7590	11/09/2007		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HENNING, MATTHEW T	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 11/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mm

Advisory Action
Before the Filing of an Appeal Brief

Application No.

09/676,319

Applicant(s)

BRICKELL ET AL.

Examiner

Matthew T. Henning

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: 62.
Claim(s) rejected: 42-46, 48-54, 56, 58-62 and 64-70.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


Continuation of 11. does NOT place the application in condition for allowance because: Regarding applicants' argument that the bulk of Anderson has nothing to do with professional license status, the examiner points out that it is the specific embodiment of Anderson related to Fig. 26 and its corresponding text, which is related to Doctors, medical records, and prescriptions, which has been relied upon in making the rejection, and this particular embodiment does deal with professional license status.

Regarding applicants' argument that Demand Deposit account statements have nothing to do with professional license status information, the examiner again points out that it is the Doctor/Medical Record/Prescription embodiment of Anderson that has been relied upon in the rejection. And Anderson disclosed that the functions of this embodiment "are accomplished in a manner similar to that used for the electronic check". Accordingly, the examiner has pointed to the "demand deposit account statement" embodiments of Anderson, as Anderson has stated that the systems are accomplished in a similar manner.

Regarding applicants' argument that Saito has nothing to do with professional license status at all, the examiner points out that Saito is relied upon as teaching a method for verifying a digital certificate, while Anderson disclosed doctors digitally signing documents, such as prescriptions, and the document including a representation of a verifiable certificate and the public key of the signor. Anderson further states that the certificate, for example, may be used in the context of Doctors, such that a certifying authority can certify that the doctor is properly licensed. Anderson is silent on how to verify digital certificates, and as such the teachings of Saito are applicable to Anderson in order to do so.

Regarding applicants' argument that the examiner is inconsistent with regards to claims 67-69 in that the valid digital credential information is claimed as being "associated" with the first user, while the first user is claimed as receiving information indicative of use of the credential information by an invalid user, while in the examiner's interpretation of the prior art the first user is the invalid user and thus not associated with the credential information, the examiner does not find the argument persuasive. Simply because the digital credential information is not owned by the invalid first user does not mean the invalid first user is not associated with the credential information. Rather, the fact the invalid user has presented the credential information in itself associates the invalid user with the credential information, and as such the interpretation of the prior art is consistent.

As an RCE has already been filed with the application, applicants' representative is welcome to set up an interview with the examiner to discuss the rejection.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100